

# EPA REGION III

◇ Office of Public Affairs

◇ PM Headlines

**Monday, August 27, 2012**

**\*\*\* PM HOT LIST \*\*\***

## **EPA and Baltimore's CNX Marine Terminals Inc. Settle Water and Waste Violations**

**ENVIRONMENTAL PROTECTOR** CNX Marine Terminals, Inc. has agreed to pay a \$34,600 penalty to settle alleged violations of federal environmental laws involving the discharge of pollutants in stormwater runoff, the operation and maintenance of underground storage tank systems and waste storage, the U.S. Environmental Protection Agency announced today. The alleged violations were at the CNX terminal at 3800 New Gate Ave., Baltimore, Md. According to the consent agreement and final order, the specific alleged violations include unauthorized stormwater discharges from a pipe into the Janney Run Creek, failure to properly operate and maintain the release detection system on a 2,000-gallon underground storage tank, failure to conduct a line tightness test on the underground storage tank every three years, and failure to properly store used fluorescent lamps. The \$34,600 settlement penalty reflects the cooperation of CNX Marine Terminals with EPA's investigation.

## **US Navy Settles Hazardous Waste Violations at Facility in Virginia Beach, Va.**

**ENVIRONMENTAL PROTECTOR** The U.S. Navy has agreed to pay a \$32,800 civil penalty to settle alleged violations of hazardous waste regulations and underground storage tank (UST) regulations at the Joint Expeditionary Base Little Creek-Fort Story facility in Virginia Beach, Va., the U.S. Environmental Protection Agency announced today. EPA cited the U.S. Navy for violating the Resource Conservation and Recovery Act (RCRA), the federal law governing the treatment, storage, and disposal of hazardous waste. RCRA is designed to protect public health and the environment, and avoid costly cleanups, by requiring the safe, environmentally sound storage and disposal of hazardous waste. In addition, RCRA regulates underground storage tanks with the emphasis on preventing releases from USTs which can cause serious contamination to our nation's groundwater. The U.S. Navy facility, which provides housing and training for the nation's expeditionary forces, allegedly violated RCRA by failing to determine if the waste was hazardous; storing hazardous waste at the facility, failing to label containers with date and contents; failing to have functioning spill and over fill equipment for two USTs; and failing to notify the state when a new oil-containing UST was installed.

## **Babcock & Wilcox seeks new permit to discharge treated wastewater**

**WSLS - 10 NEWS** B&W Nuclear Operations Group Inc. has reapplied for a permit that will allow it to continue to discharge treated wastewater into the James River. Since the 1970s, when the Clean Water Act's National Pollutant Discharge Elimination System was implemented, B&W has been issued a "Virginia Pollutant Discharge Elimination System Permit." The company releases industrial wastewater, sanitary wastewater and industrial storm water into the river. This permit, which is issued in five-year increments, sets a limit on the amount of pollutants that B&W may release into the river. The level of pH, temperature, nutrients, fluoride, metals, total cyanide, organic compounds, oil and grease, oxygen-demanding bacteria, solids and bacteria are all regulated. B&W also will be required to monitor storm water run-off, testing it for the presence of metals and organic compounds. According to the permit application, B&W NOG plans to release storm water into a tributary of the James River located in Campbell County.

## **Hopewell watches drilling cycle as state's most-drilled township**

**PITTSBURGH POST-GAZETTE** Around Hopewell in Washington County, Range Resource's blue-and-white drilling permit signs are as ubiquitous as the green hills they dot. The signs are posted everywhere: in the middle of corn fields, at the front of residential driveways, behind local diners. Located in the heart of the Marcellus Shale natural gas region, Hopewell is the most densely drilled township in Pennsylvania. Drilling has proceeded consistently through the last five years, and some of the earliest land leases to allow for drilling were taken out in 2005. Residents said that by last year the majority of the 950-person community had a tie to the shale industry, as property lessees or simply beneficiaries of the growth drilling brought to town. These days, the drilling is slowing -- though not stopping -- as the result of declining natural gas prices. In the wake of the shale rush comes new attention paid to transporting the gas by laying pipeline. The shift has some in the area worried that the prosperity hydraulic fracturing initially brought the town may not be long-lasting, or delivering on its promises.

## **Environmentalists challenge well permit**

**TIMESONLINE** GREENE TWP. -- Two environmental organizations are asking the state Department of Environmental Protection to rescind its permit for a Marcellus shale natural gas well in Greene Township. The Little Blue Run Regional Action Group, partnering with the Washington, D.C.-based Environmental Integrity Project, believes the well could interfere with FirstEnergy Corp.'s state-mandated cleanup of Little Blue Run. The Little Blue group and EIP petitioned the township supervisors to deny a conditional-use permit for the gas well, located at 524 Hill Road, earlier this month. DEP official said Friday that the agency would consider the letter in the next week

## **Troubles for Arbuckle PSD are far from over**

**BECKLEY REGISTER-HERALD** Arbuckle Public Service District may be in better shape than it has been in years, but between a recent fine for environmental violations and the need for critical upgrades, its problems aren't over by a long shot. Located on Arbuckle Creek in Minden, the PSD operates a sewer collection and treatment system that eventually discharges into the New River. That river's importance as a drinking water source and recreational playground makes the PSD a critical part of the overall health of Fayette County's water resources. In a June order, the West Virginia Department of Environmental Protection (WVDEP) fined the PSD \$362,730 for a number of permit violations. In 2007, the WV Public Service Commission (WVPSC) launched an investigation into the PSD because of its history of disfunction, both financial and technical. However, in a staff memo released in early August, several divisions of the WVPSC recommended dismissing the case, stating that receivership no longer seems appropriate based on the PSD's recent progress on several fronts.

## **Green vs. green**

**CENTRAL PENN BUSINESS JOURNAL** Stormwater management balances environment, cost. If you're a developer, chances are you've been including more "green infrastructure" for stormwater management in your projects — open areas where the ground can absorb rainwater, thickly planted stream buffers, perhaps even

permeable paving materials. Whatever you've been doing, plan on doing more of it. Driven by federal and state mandates, municipalities are moving toward ever-more-careful handling of stormwater. Municipalities in the Chesapeake Bay watershed will face especially strict constraints, as the state is asking them to help it meet ambitious targets for reducing bay pollution. "The situation with the Chesapeake Bay is critical," said James Cowhey, director of the Lancaster County Planning Commission. Still, the bay is only one reason for the push for more modern stormwater management, Cowhey and others said. "We have stormwater problems right in our own backyard," said Harry Campbell, senior scientist at the Pennsylvania office of the nonprofit Chesapeake Bay Foundation.

## \*\*\* MORNING HOT LIST \*\*\*

### **Long fight over fracking still divides Pa. town**

**PHILADELPHIA INQUIRER** DIMOCK, Pa. - More than three years after residents in this Susquehanna County town complained that Marcellus Shale natural gas development polluted their private water wells, the lawsuits are getting settled, the activists are going away, and gas drilling is set to resume. But the battle scars are unhealed in Dimock, whose name has become synonymous with hydraulic fracturing - fracking. The rush to drill struck a deep reservoir of hostility. Residents who support or oppose shale-gas development complain that their neighbors are looking for a quick payday, either from gas-drilling royalties or a legal settlement. They exchange snippy comments at the post office and glares at the grocery. They hold counterdemonstrations to each other's rallies, hoisting glasses of dirty water or clean water, depending upon their point of view. The pettiness was documented in court papers. One family who cooperated with the gas company to fix their water supply erected a tarp to block out their neighbors, who had sued the drillers and accused their neighbors of selling out. The family that sued posted signs around its modest ranch house: "For Sale: \$5,000,000." "It's really made some bitter enemies," said James C. Grimsley, 70, a retired New York City plumber who moved here nine years ago with his wife. He favors gas development, and expresses his sentiments on a sign nailed to his house on the main highway through Dimock: "Drill baby drill."

### **Emotions run high in gas drilling debate**

**TOWANDA DAILY REVIEW** TIOGA COUNTY, N.Y. - New York may be weeks or even days away from seeing the first drilling permits allowing hydraulic fracturing, according to a story reported by CBS Evening News last Sunday that sent shockwaves through the Southern Tier's supporters and opponents of fracking. According to the report, a decision is expected after Labor Day, also recognizing that New York will have the strictest regulations in the nation should fracking be allowed. In another blow to opponents of fracking, the controversial town of Dimock, Pa. has been in the news as well. First, water samples in Dimock were found to be safe to drink by the Environmental Protection Agency on July 25 after months of testing. This week news came that Cabot Oil and Gas Corporation has been cleared to resume drilling at existing wells in Dimock, having addressed the problem.

### **Editorial: Fix holes in gas reporting**

**SCRANTON TIMES-TRIBUNE** Accurate publicly reported data about the burgeoning Marcellus Shale natural gas industry are crucial for the sake of public transparency and for the industry itself. Financial markets and energy companies use the information to make long-range decisions worth many billions of dollars. Since the number of wells being drilled and amount of gas being extracted also indicates the amounts of pollution being produced by the industry, accurate data are central to environmental protection. Yet the Department of Environmental Protection this month posted gas production data that were exponentially incorrect, and then shrugged its shoulders.

## **Commissioners ask state to slow septic regulations**

**SO MARYLAND ONLINE NEWS** Policy is consistent with federal goals, Md. agency says. The St. Mary's County commissioners in June submitted plans to reduce levels of nitrogen entering surrounding waters to meet the Chesapeake Bay Watershed Implementation Plan, but said they are not supporting aspects of the plan. In addition, all five of the county commissioners signed an Aug. 10 letter to Gov. Martin O'Malley (D) expressing concerns over upgrading septic systems in St. Mary's as proposed by a new state regulation. The proposal calls for all new construction served by septic systems to use the "best available technology" to reduce nitrogen loads. Nitrogen in the Chesapeake and its tributaries feeds unnatural algae blooms that decay and rob the water of oxygen, killing aquatic life.

## **EPA chief sees Ben Jerrys pollution controls**

**FUEL FIX** WATERBURY, Vt. — The head of the U.S. Environmental Protection Agency on Friday toured the Ben & Jerry's ice cream plant in Waterbury, where she heard about company business practices that place emphasis on its social mission and its environmentally sound production methods. EPA Administrator Lisa Jackson got a tour of the plant's production area and saw its waste recycling and reclamation practices, which reduce the amount of water the plant needs to get from the local water system and the amount that's fed into the Waterbury sewage treatment system. On Thursday, the first day of her two-day visit to Vermont, Jackson toured a solar power installation at the Vermont National Guard base in South Burlington. "I think it's important for Americans to remember, the clean economy, the green energy economy, whatever you want to talk about is more than just seeing really big installations of wind farms or solar panels," Jackson said Friday after her Ben & Jerry's tour. "It's also thinking about sustainability throughout a supply chain, like they do here with their value sourcing. It's thinking about how to educate customers about where their food comes from and how to ensure it's safe." What Ben & Jerry's is doing is something that other companies can do if they are determined to do so.

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# **PENNSYLVANIA**

## **PHILADELPHIA INQUIRER**

**From Early Bird** Long fight over fracking still divides Pa. town **M DIMOCK**, Pa. - More than three years after residents in this Susquehanna County town complained that Marcellus Shale natural gas development polluted their private water wells, the lawsuits are getting settled, the activists are going away, and gas drilling is set to resume. But the battle scars are unhealed in Dimock, whose name has become synonymous with hydraulic fracturing - fracking. The rush to drill struck a deep reservoir of hostility. Residents who support or oppose shale-gas development complain that their neighbors are looking for a quick payday, either from gas-drilling royalties or a legal settlement. They exchange snippy comments at the post office and glares at the grocery. They hold counterdemonstrations to each other's rallies, hoisting glasses of dirty water or clean water, depending upon their point of view. The pettiness was documented in court papers. One family who cooperated with the gas company to fix their water supply erected a tarp to block out their neighbors, who had sued the drillers and accused their neighbors of selling out. The family that sued posted signs around its modest ranch house: "For Sale: \$5,000,000." "It's really made some bitter enemies," said James C. Grimsley, 70, a retired New York City plumber who moved here nine years ago with his wife. He favors gas development, and expresses his sentiments on a sign nailed to his house on the main highway through Dimock: "Drill baby drill."

**From Early Bird** Where are the Delaware River basin's once-legendary shad? Earlier this year, digital

equipment at the Black Rock dam in Phoenixville recorded a momentous occurrence: three American shad adults swimming by, presumably headed up the Schuylkill to spawn. They had made it past five dams - one that had been breached and four with fish ladders installed in recent years. "It's been almost 200 years since an adult American shad has been that far up," said Philadelphia Water Department biologist Joe Perillo. The find was a bright spot in what has turned out to be a stubbornly elusive goal in the Delaware River basin - the restoration of American shad. Some hopeful signs abound, but the once-legendary fish still awaits a comeback

**From Early Bird** Corbett goes where he feels at home — on the river SHAWNEE-ON-DELAWARE - With the fog still thick over the Delaware River, Gov. Corbett, joined by about a dozen state officials, all in kayaks, pushed off from the Pennsylvania side Friday morning for a 10-mile float downriver. It was Day Two of Corbett's 23-mile paddle along the Delaware, meant to promote tourism and highlight Pennsylvania's natural resources. ... Friday's picture-perfect morning for paddling stood in contrast to Corbett's first day out, which was more like George Washington's hazard-filled Delaware crossing. On Thursday the governor had to fend off a peaceful but vocal water assault by sign-waving, anti-gas-drilling activists and got soaked when his kayak tipped over as he tried to reenter the water after portaging a shallow section of the river.

### **PITTSBURGH POST-GAZETTE**

**From Early Bird** Drought tests farmer's strategies for dealing with extreme conditions Portraits of the Drought: Second in an occasional series CASH, Ark. -- Joe Christian was riding 10 feet above one of his fields, using computer controls to direct his combine to cut the 75 acres of rice planted amid a series of levees. Despite this year's drought, the levees enabled Mr. Christian to keep his fields flooded with water from the Cash River that runs through his property and, when the river got low, with well water pulled up from 100 feet below.

### **From Early Bird** Blowin' in the wind: An appeals court stymies the cause of clean air

Some emissions of air pollutants affect air quality in the states where the pollutants are emitted. Some emissions of air pollutants travel across state boundaries and affect air quality in downward states." Yes, they do, as we know to our sorrow in Pennsylvania. But after stating that simple truth at the beginning of his opinion issued Tuesday, Judge Brett Kavanaugh of the U.S. Court of Appeals in Washington, D.C., found his clarity in the complication of the law -- what he called the "complex regulatory challenge" facing the Environmental Protection Agency. ... The court ruling, decided by a 2-1 majority, was as surprising as it was dismaying. In her vigorous, even angry, dissent, Judge Judith W. Rogers showed why the decision came as a shock to some: "To vacate the Transport Rule, the court disregards limits Congress placed on its jurisdiction, the plain text of the Clean Air Act ... and this court's settled precedent interpreting the same statutory provisions at issue today. Any one of these obstacles should have given the court pause; none did.

### **From Early Bird** Sinking gas prices put Hopewell's fortunes on hold

In recent years, Hopewell Township in Washington County has been a center for Marcellus Shale drilling, but activity is slowing.

### **From Early Bird** Old Jeannette glass plant site of 2 fires

No one was hurt in a fire Sunday morning at the site of the former Jeannette Glass Factory in Jeannette. The old plant has been the focus of attention recently, as officials of the state Department of Environmental Protection recently obtained a search warrant to take samples involving waste on the site. The glass plant closed in 1983.

**Hopewell watches drilling cycle as state's most-drilled township** Around Hopewell in Washington County, Range Resource's blue-and-white drilling permit signs are as ubiquitous as the green hills they dot. The signs are posted everywhere: in the middle of corn fields, at the front of residential driveways, behind local diners. Located in the heart of the Marcellus Shale natural gas region, Hopewell is the most densely drilled township in Pennsylvania. Drilling has proceeded consistently through the last five years, and some of the earliest land leases to allow for drilling were taken out in 2005. Residents said that by last year the majority of the 950-person community had a tie

to the shale industry, as property lessees or simply beneficiaries of the growth drilling brought to town. These days, the drilling is slowing -- though not stopping -- as the result of declining natural gas prices. In the wake of the shale rush comes new attention paid to transporting the gas by laying pipeline. The shift has some in the area worried that the prosperity hydraulic fracturing initially brought the town may not be long-lasting, or delivering on its promises.

### ***PITTSBURGH TRIBUNE-REVIEW***

**From Early Bird** New owners invest in pollution turnaround at Shenango coke plant

Karen Grzywinski has kept a close eye on pollution coming from the Shenango Inc. coke plant on Neville Island since the mid-1990s after moving to Ben Avon. Rarely did she like what she saw or smelled. "It was very disruptive to our day-to-day living with all the emissions and odors in the area," Grzywinski said. She has since moved to Ohio Township, but Grzywinski continues to monitor harmful smoke and soot from the plant through a program administered by local environmental group GASP — Group Against Smog and Pollution. Until a couple of years ago, any concerns and complaints about the pollution fell on deaf ears at the plant, she said. But with a recent change in ownership, things seem to be improving.

**From Early Bird** Mayor to tout 'Burgh at White House event Pittsburgh Mayor Luke Ravenstahl plans to make a quick pitch about Pittsburgh's economic resilience at a White House forum Monday. Ravenstahl is one of eight government and nonprofit officials from Houston, San Diego, New York and elsewhere invited to speak at the Forum on Urban Innovation in the Eisenhower Executive Office Building. He'll have to keep it short. The agenda allots speakers five minutes for their presentations before presidential advisers and officials from the U.S. Department of Housing and Urban Development, Small Business Administration, Environmental Protection Agency and other agencies.

### ***WILKES-BARRE CITIZENS' VOICE***

**From Early Bird** Gas drilling record becomes focus of Corbett's kayak tour GREENE TWP. - Gov. Tom Corbett doesn't understand why some try to characterize him and his administration as being bad for the state's environment. An avid kayaker, one of the first things he wanted to do after his back operation was to get back in a Pennsylvania river. Visiting Promised Land State Park on Thursday, he recalled his first visit, as a preschooler, where he learned the wonder of being in the woods. Yet, when he paddled down the Delaware from Darbytown to the Zane Grey Museum with Department of Conservation and Natural Resources Secretary Rick Allan, Department of Environmental Protection Secretary Michael Krancer and Fish and Boat Commission Executive Director John Arway, environmental groups took to the water too, led by the Delaware

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the news as well. First, water samples in Dimock were found to be safe to drink by the Environmental Protection Agency on July 25 after months of testing. This week news came that Cabot Oil and Gas Corporation has been cleared to resume drilling at existing wells in Dimock, having addressed the problem.

## ***ASSOCIATED PRESS***

***From Early Bird Pa.:*** Okla. energy firms's data filled with errors

PITTSBURGH — The Pennsylvania Department of Environmental Protection says natural gas drilling company Chesapeake Energy last week filed an important Marcellus Shale production report containing so many errors a state database rejected it. DEP spokesman Kevin Sunday said last week a previous statement by Oklahoma City-based Chesapeake Energy Corp. that suggested state databases were the problem wasn't entirely accurate and omitted important points. "DEP's production database functioned exactly as designed by rejecting reports that contain obvious data entry errors," Sunday said. For example, Chesapeake attempted to report production information on wells where the drilling start date wasn't listed; attempted to report more producing days than the number of days in the reporting period; and attempted to report drilled wells as wells that were not drilled, Sunday said.

## ***GANTDAILY.COM***

DEP Awards Grants to Restore, Protect Pennsylvania's Coastal Zones ***Agency Now Accepting Applications for 2013 Grants*** HARRISBURG — The Department of Environmental Protection has awarded more than \$900,000 in annual coastal zone management grants to organizations dedicated to protecting and preserving Pennsylvania's coastal zones along Lake Erie and the Delaware Estuary. The agency is now accepting applications for 2013. Coastal zone management grants support programs that measure the impact of various pollution sources; improve public access; preserve habitats; and educate the public about the benefits of the state's coastal zones. "The coastal waters of the Delaware Estuary and Lake Erie are two of Pennsylvania's many ecological assets," DEP Secretary Mike Krancer said. "We are committed to protecting these assets, and the grants will enhance our ongoing efforts to maintain our coastal waters."

## ***MONTGOMERY MEDIA***

Schools across the area are going green Students send their used supplies to TerraCycle, Inc. instead of to landfills. TerraCycle uses the items to create trash cans, watering cans, park benches, playgrounds, and other products that are sold at stores like Walmart and Whole Foods Market. In turn, every object students collect earns points toward a donation to the school or a charity. Nearby TerraCycle participants include Blair Mill Elementary School, Pennypack Elementary School, and Upper Moreland Intermediate School in Hatboro; Enfield Elementary School in Oreland; Epiphany of Our Lord School in Plymouth Meeting; and Robbins Park Environmental Education Center, Mattison Avenue Elementary School, Shady Grove Elementary School, and Lower Gwynedd Elementary School in Ambler.

Edgmont ready to sign DELCORA deal

(Thursday) EDGMONT — Supervisors are poised to act on an agreement with DELCORA — a step that brought out nearly three dozen residents who continue to have questions and concerns about the public sewer project. "You think we're holding something back, but we're not hiding anything. We didn't hear anything tonight we didn't expect to hear, and will likely not be swayed by the comments," supervisors Chairman Ron Gravina said near the end of lengthy public remarks on the matter. Regardless, the board deferred acting on the agreement, likely until the continuation of the meeting tonight.

## ***CENTRAL PENN BUSINESS JOURNAL***

Green vs. green Stormwater management balances environment, cost. If you're a developer, chances are you've been including more "green infrastructure" for stormwater management in your projects — open areas where the ground can absorb rainwater, thickly planted stream buffers, perhaps even permeable paving materials. Whatever you've been doing, plan on doing more of it. Driven by federal and state mandates, municipalities are moving

toward ever-more-careful handling of stormwater. Municipalities in the Chesapeake Bay watershed will face especially strict constraints, as the state is asking them to help it meet ambitious targets for reducing bay pollution. "The situation with the Chesapeake Bay is critical," said James Cowhey, director of the Lancaster County Planning Commission. Still, the bay is only one reason for the push for more modern stormwater management, Cowhey and others said. "We have stormwater problems right in our own backyard," said Harry Campbell, senior scientist at the Pennsylvania office of the nonprofit Chesapeake Bay Foundation. ...**MS4 permits** "MS4" is short for Municipal Separate Storm Sewer System, a type of permit administered by the state DEP on behalf of the federal government. Municipalities must have them to operate a stormwater drainage system legally. There are more than 140 such municipalities within the five-county midstate, according to DEP. MS4 permits include six requirements that municipalities must comply with.

### **WSLS - 10 NEWS**

Babcock & Wilcox seeks new permit to discharge treated wastewater

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### **POTTSTOWN MERCURY**

Letter: Residents should worry about discharges from nuke plant into river Excellent articles by Mercury reporter Evan Brandt on July 9 and Aug. 17 explaining Limerick Nuclear Plant's public hearing issues being considered by the DEP and DRBC.3. The equivalent of "eminent domain" over local water for Limerick's emergency needs. Groundwater and residential wells could be at risk. Worse! If residential wells were damaged, residents would have to prove it was Exelon's fault, and Exelon may not be held liable for damage. There is only a two-day supply of water on the site for emergencies. That's far short of the 30-day supply that nuclear plants must have for emergency preparedness. There was never enough water in the Schuylkill for Limerick. Now Limerick is adding contaminated mine water. Hidden in the confusing mix of permits is what seems like enormous threats to our water supply. Our major concerns include: 1. Radiation and cooling tower toxics discharged without limits into the Schuylkill River. 2. The request to use millions of gallons more river water per day.

### **TIMESONLINE**

Environmentalists challenge well permit GREENE TWP. -- Two environmental organizations are asking the state Department of Environmental Protection to rescind its permit for a Marcellus shale natural gas well in Greene Township. The Little Blue Run Regional Action Group, partnering with the Washington, D.C.-based Environmental Integrity Project, believes the well could interfere with FirstEnergy Corp.'s state-mandated cleanup of Little Blue Run. The Little Blue group and EIP petitioned the township supervisors to deny a conditional-use permit for the gas well, located at 524 Hill Road, earlier this month. DEP official said Friday that the agency would consider the letter in the next week

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# DELAWARE

## **CAPE GAZETTE**

**From Early Bird** State, federal officials urge EPA to reduce ethanol requirement With prolonged drought reducing corn yields nationwide, state and federal officials are urging the Environmental Protection Agency to relax requirements that force farmers to sell corn for ethanol. The U.S. Department of Agriculture reports corn production could fall 13 percent this year. In Delaware, many farmers are mowing down corn that wasn't irrigated because it will not produce a crop this year. The loss of corn and soybeans is raising the price of feed for poultry growers who are struggling to meet the higher cost of feed. The EPA's Renewable Fuel Standard program requires a specified amount of American corn be used for ethanol production, but the regulations provide flexibility for periods of drought or other prolonged hardships that reduce corn yield.

## **ASSOCIATED PRESS**

**From Early Bird** Delaware Court Rules Plant Doesn't Need Special Permit **GEORGETOWN, Del. (AP)** - The Delaware Supreme Court has ruled that a proposed sewer plant doesn't need a special permit, clearing the way for it. The state's highest court ruled on Aug. 17 that Tidewater Environmental Services Inc.'s proposed Wanendale plant is neither a manufacturing facility nor a heavy industry site as defined by the Coastal Zone Act. It would produce treated water that could be sprayed on farm fields.

## **DELMARVANOW.COM**

**From Early Bird** Offshore wind test project planned in Delaware **NEWARK, Del. --**

There's a new proposal to build wind turbines off the coast of Delaware, albeit one much smaller than the ambitious and now-defunct Bluewater Wind contract. Researchers at the University of Delaware, together with the National Renewable Energy Lab in Colorado, are proposing a small test project in the Atlantic Ocean, off an unspecified point on the Delaware coast. They are seeking federal funding from an offshore wind program offered by the U.S. Department of Energy.

**From Early Bird** Community repairs heron habitat in Bethany Beach **BETHANY BEACH --** Kayaking through Lake Bethany, Eric Buehl observed an eroding shoreline and trees leaning over. Then, he spotted about 10 great blue heron nests. Buehl, a habitat coordinator for the Center for the Inland Bays, knew he needed to step in.

**From Early Bird** Sussex wastewater utility company plans to move ahead on plant **REHOBOTH BEACH --** A wastewater utility company said it's still committed to constructing a 1.45 million gallon per day sewer plant in Sussex County after a Delaware Supreme Court cleared the way for the plant to be built without a special permit. The court ruled that Tidewater Environmental Services Inc.'s proposed Wanendale plant is neither a manufacturing facility or a heavy industry site as defined by the Coastal Zone Act, the Delaware law controlling pollution near the Atlantic Ocean. State regulators had treated it as a proposed manufacturing plant, producing treated water that could be sprayed on farm fields, and awarded it a permit in July 2010.

## **WILMINGTON NEWS JOURNAL**

**Chesapeake crab count goes high-tech in trial program**

**Fracking hazards obscured in failure to report wells**

## **ENews PARK FOREST**

Wilmington, Delaware Joins National Call for Action on Climate Change City's Port, Water Supply Threatened by Sea-level Rise. WILMINGTON, Del.--(ENEWSPF)--August 24 - Wilmington, Del., has joined more than 30 other U.S. cities in urging national leaders to use the Clean Air Act to reduce greenhouse gas pollution to head off catastrophic climate change. The city council passed a resolution Thursday making Wilmington the 34th American city to join the Center for Biological Diversity's national Clean Air Cities campaign. "Wilmington supports the Clean Air Act, and we're glad to see this effective law used to fight climate change," said Eric D. Robinson, the Wilmington councilmember who introduced the resolution. "We're proud to join 33 other cities in supporting the Environmental Protection Agency's efforts to reduce carbon pollution. Global warming could really hurt our state's public health and water supplies, so we're eager to see prompt action."

## ***NEWSWORKS***

Del. congressional delegation discusses dredging bDelaware's congressional delegation is getting a firsthand look at a controversial project to dredge the Delaware River shipping channel. U.S. Sens. Tom Carper and Chris Coons and Rep. John Carney planned to join Army Corps of Engineers officials Monday afternoon for a tour of the river and discussion of the economic impact of the dredging. A federal appeals court last month rejected an appeal from environmental groups and the state of New Jersey challenging the dredging project. The Corps is deepening the channel by five feet to accommodate larger commercial ships. Supporters say the \$360 million project will help keep area ports competitive. But environmentalists claim the sediment stirred up by the dredging could be contaminated with toxic chemicals that will pollute the river and harm the fish population.

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# WASHINGTON, D.C.

## ***WASHINGTON POST***

From Early Bird Letter: Why we shouldn't blow off the tax credit for wind energy In the Aug. 17 editorial "Political energy," The Post argued that it's a good idea to replace coal plants with inexpensive natural gas, which would rapidly cut greenhouse-gas emissions. But The Post also called for ending the production tax credit for wind, which also helps cut carbon emissions. Although the production credit costs some tax revenue in the short term, it's worth it to nourish the fledgling wind industry. Obtaining energy from wind is a significant way to improve air quality and the health of our citizens as well as to combat global warming. Expanding wind energy is important because, for example, natural gas might not always be so cheap, and it has its own greenhouse-gas and other environmental problems associated with fracking.

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# WEST VIRGINIA

## ***BECKLEY REGISTER-HERALD***

Troubles for Arbuckle PSD are far from over

Arbuckle Public Service District may be in better shape than it has been in years, but between a recent fine for environmental violations and the need for critical upgrades, its problems aren't over by a long shot. Located on Arbuckle Creek in Minden, the PSD operates a sewer collection and treatment system that eventually discharges into the New River. That river's importance as a drinking water source and recreational playground makes the PSD

a critical part of the overall health of Fayette County's water resources. In a June order, the West Virginia Department of Environmental Protection (WVDEP) fined the PSD \$362,730 for a number of permit violations. In 2007, the WV Public Service Commission (WVPSC) launched an investigation into the PSD because of its history of disfunction, both financial and technical. However, in a staff memo released in early August, several divisions of the WVPSC recommended dismissing the case, stating that receivership no longer seems appropriate based on the PSD's recent progress on several fronts.

Study looks at poverty, health issues A new study by the West Virginia Department of Health and Human Resources shows that poverty and poor health are greatest in McDowell County, Wyoming has some of the most uninsured residents in the state, and most of the residents in The Register-Herald coverage area have a higher risk for psychological distress than the state average.

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## MARYLAND

### ***BALTIMORE SUN***

From Early Bird Delicate species: The environmental win-win Ecotone restores forests and wetlands, helping developers comply with the law. The message arrived last month with something like the urgency of a gold strike: Native brook trout, lots of them, discovered in the twin ditch creeks of an old farm in Hereford, in northern Baltimore County. Environmental scientists get pretty excited about this sort of thing. They found brown trout, too, and other smaller fish that a kid splashing around in summer might call minnows: sculpins, black-nosed dace and rosy-sided dace. Signs of life, to be sure, but more than that — signs of a delicate species' survival in a stream degraded for decades by the practices of men trying to earn a living off the land.

From Early Bird Letter: Is fracking coming to Maryland? Proponents of fracking assured New York crowds at a recent rally that they won't be drilling where they're not wanted. What they really meant is where nobody will see them. Just look at what they did in Ohio and Pennsylvania. I can't imagine they were welcomed with open arm.

Government first, business second?

I recently wrote an opinion piece in these pages regarding Baltimore's failing infrastructure. As Senator Cardin's opponent in the November election, I wanted to take this opportunity to address the real problem facing our state and federal infrastructure. Sen. Ben Cardin and Mayor Stephanie Rawlings-Blake recently wrote an opinion piece in these pages regarding Baltimore's failing infrastructure.

Uncertain future for Baltimore County

1:20 p.m. EDT, August 27, 2012 For the first time in more than a decade, Baltimore County's land use and zoning policies seem to be under serious scrutiny. The decisions of the County Council over the coming weeks — and how the community responds to those decisions — could result in significant changes in Baltimore County's comprehensive zoning process and even reshape the balance of power among Baltimore County's elected officials.

### ***SALISBURY DAILY TIMES***

From Early Bird Opposition, recession cripple MAPP project

RIVERTON -- Nearly four years ago, chances looked good that Pepco Holdings Inc. would sail through regulatory channels to build a \$1.2 billion transmission line stretching across the Chesapeake Bay and much of Delmarva. "When their proposal first came to us, it really felt like it was a done deal," said Amy Owsley, deputy director of the Eastern Shore Land Conservancy, one of more than three dozen organizations that opposed the

project. "You kind of feel like a David going up against a Goliath."

**From Early Bird** Farmers eligible for energy grants ANNAPOLIS -- Farmers throughout the Shore looking to upgrade the energy efficiency of their farms are now eligible for grants from \$25,000 -\$200,000. The Maryland Energy Administration has announced an agricultural energy efficiency program aimed at covering up to 75 percent of the cost associated with increasing insulation, ventilation, irrigation or HVAC upgrades. The grant was named in honor of the late Kathleen Mathias, who served the citizens of Ocean City and Maryland for much of her life.

## ***SO MARYLAND ONLINE NEWS***

**From Early Bird** Commissioners ask state to slow septic regulations

Policy is consistent with federal goals, Md. agency says. The St. Mary's County commissioners in June submitted plans to reduce levels of nitrogen entering surrounding waters to meet the Chesapeake Bay Watershed Implementation Plan, but said they are not supporting aspects of the plan. In addition, all five of the county commissioners signed an Aug. 10 letter to Gov. Martin O'Malley (D) expressing concerns over upgrading septic systems in St. Mary's as proposed by a new state regulation. The proposal calls for all new construction served by septic systems to use the "best available technology" to reduce nitrogen loads. Nitrogen in the Chesapeake and its tributaries feeds unnatural algae blooms that decay and rob the water of oxygen, killing aquatic life.

**From Early Bird** Plum Point Middle water tests positive for bacteria Drinking water at Plum Point Middle School has been shut down after it tested positive for bacteria, according to an email sent Friday morning by the school's principal, Zach Seawell. "Although not necessary, we are taking precautionary measures by shutting down all drinking fountains, setting up water stations on each level, and providing hand sanitizer," Seawell's email said, explaining that the initial water test was routine. The email said students will be allowed to carry water bottles from home and all bathrooms are fully functional and can be used by staff and students. Seawell also stated in the email that the Calvert County Health Department was aware of the school's actions and the water system will be treated according to the recommendations of Maryland Department of the Environment and the Calvert County Health Department.

## ***CECIL WHIG***

**From Early Bird** Cleanup, repair continues after Port tanker explosion Cleanup continued in Port Deposit on Sunday in the aftermath of a gasoline tanker explosion that killed a Windsor Mill man Friday night and sent a fireball into the sky that could be seen for miles. Crews from Delmarva Power, Verizon, Bay Broadband and Norfolk Southern Railroad worked throughout the weekend to make repairs to lines and equipment damaged by the intense heat of the fire, which also scorched the siding of a nearby vacant home and melted two portable toilets in the park. Norfolk Southern crews spent Saturday replacing damaged railroad ties. The rail company that carries freight through Port Deposit also had fire damage to a control box and signal pole. State Highway Administration officials directed traffic past the accident site, which was closed to one-lane while crews worked to restore utilities.

## ***ENVIRONMENTAL PROTECTOR***

**EPA and Baltimore's CNX Marine Terminals Inc. Settle Water and Waste Violations** CNX Marine Terminals, Inc. has agreed to pay a \$34,600 penalty to settle alleged violations of federal environmental laws involving the discharge of pollutants in stormwater runoff, the operation and maintenance of underground storage tank systems and waste storage, the U.S. Environmental Protection Agency announced today. The alleged violations were at the CNX terminal at 3800 New Gate Ave., Baltimore, Md. According to the consent agreement and final order, the specific alleged violations include unauthorized stormwater discharges from a pipe into the Janney Run Creek, failure to properly operate and maintain the release detection system on a 2,000-gallon underground storage tank, failure to conduct a line tightness test on the underground storage tank every three years, and failure to properly store used fluorescent lamps. The \$34,600 settlement penalty reflects the cooperation of CNX Marine Terminals with EPA's investigation.

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# VIRGINIA

## **VIRGINIAN-PILOT**

### **From Early Bird Editorial: Hurting Virginia's clean air efforts**

Air pollution doesn't stop at state borders. Neither does political spotlight-grabbing. Last week, a divided federal appeals court struck down an Environmental Protection Agency rule designed to limit the kind of particulate matter that can make it hard to breathe in Hampton Roads during the summer. The 2-1 decision in the U.S. Court of Appeals for the District of Columbia circuit struck down EPA efforts to force states to do something about the pollution they send downwind. Virginia and other East Coast states are the biggest victims. They have to live with the pollution - mainly sulfur dioxide and nitrogen oxide - generated by inland coal-fired power plants.

### **From Early Bird Editorial Op-Ed: At the core of our energy needs**

Uranium mining, aside from the damage it does to the environment, has another downside: The fuel supports an old and dirty energy-generation technology that has time and again proven terrible for the planet and the people on it. If nuclear power is better than the primary alternative - coal - it's only because coal creates so much havoc itself. When mined and burned, coal fouls the land and water and air. It sickens children and adults and is a prime agent of global warming. For all those reasons, mankind has been searching for generations for some way to make electricity without splitting atoms or burning rocks. Solar is getting cheaper, but it still produces only when the sun shines. Electricity storage remains an unsolved problem. Nevertheless, solar still shows promise.

## **ASSOCIATED PRESS**

### **From Early Bird Groundbreaking set for leg of Va. urban greenway**

### **From Early Bird Family sues over mold in Va. military housing**

Navy settles Va hazardous waste allegations VIRGINIA BEACH The Navy has settled allegations that it violated hazardous waste and underground storage tank regulations at a Virginia Beach facility. The Environmental Protection Agency says the Navy agreed to pay a \$32,800 civil penalty. Federal regulators cited the Navy for allegedly storing hazardous waste at Joint Expeditionary Base Little Creek-Fort Story and failing to label containers with date and contents. The Navy also allegedly didn't determine whether the waste was hazardous. Other citations allege that two underground storage tanks didn't have functioning spill and overfill equipment. The Navy also was cited for failing to notify the state when a new tank containing oil was installed. Under the settlement, the Navy didn't admit or deny liability for the alleged violations.

## **ENVIRONMENTAL PROTECTOR**

US Navy Settles Hazrdous Waste Violations at Facility in Virginia Beach, Va. The U.S. Navy has agreed to pay a \$32,800 civil penalty to settle alleged violations of hazardous waste regulations and underground storage tank (UST) regulations at the Joint Expeditionary Base Little Creek-Fort Story facility in Virginia Beach, Va. , the U.S. Environmental Protection Agency announced today. EPA cited the U.S. Navy for violating the Resource Conservation and Recovery Act (RCRA), the federal law governing the treatment, storage, and disposal of hazardous waste. RCRA is designed to protect public health and the environment, and avoid costly cleanups, by requiring the safe, environmentally sound storage and disposal of hazardous waste. In addition, RCRA regulates underground storage tanks with the emphasis on preventing releases from USTs which can cause serious contamination to our nation's groundwater. The U.S. Navy facility, which provides housing and training for the nation's expeditionary forces, allegedly violated RCRA by failing to determine if the waste was hazardous; storing hazardous waste at the facility, failing to label containers with date and contents; failing to have functioning spill

and over fill equipment for two USTs; and failing to notify the state when a new oil-containing UST was installed.

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## MISCELLANEOUS

### ***RIGZONE***

#### **From Early Bird** Marcellus Pad Liner Recycling Program Underway

A new business partnership to collect and recycle plastic well pad liners from Marcellus shale gas drilling sites launched last month. The first of its kind recycling venture will allow millions of pounds of marketable plastic to be reclaimed, slow the consumption of valuable landfill space, and reduce truck traffic around drilling sites, according to officials with the Pennsylvania Recycling Markets Center (RMC) and companies involved in the venture. RMC formed the venture by bringing together Orwigsburg, Penn.-based WellSpring Environmental services and Portland, Penn.-based Ultra-Poly Corporation. Both companies are members of RMC's Center for Excellence, a network of recycled material processors. The Marcellus shale gas drilling boom in Pennsylvania has created a need for this type of recycling program, as the plastic liners are difficult to recycle and proper management is required for successful recycling to take place.

### ***FUEL FIX***

**From Early Bird** EPA chief sees Ben Jerrys pollution controls WATERBURY, Vt. — The head of the U.S. Environmental Protection Agency on Friday toured the Ben & Jerry's ice cream plant in Waterbury, where she heard about company business practices that place emphasis on its social mission and its environmentally sound production methods. EPA Administrator Lisa Jackson got a tour of the plant's production area and saw its waste recycling and reclamation practices, which reduce the amount of water the plant needs to get from the local water system and the amount that's fed into the Waterbury sewage treatment system. On Thursday, the first day of her two-day visit to Vermont, Jackson toured a solar power installation at the Vermont National Guard base in South Burlington. "I think it's important for Americans to remember, the clean economy, the green energy economy, whatever you want to talk about is more than just seeing really big installations of wind farms or solar panels," Jackson said Friday after her Ben & Jerry's tour. "It's also thinking about sustainability throughout a supply chain, like they do here with their value sourcing. It's thinking about how to educate customers about where their food comes from and how to ensure it's safe." What Ben & Jerry's is doing is something that other companies can do if they are determined to do so.

### ***THE EPOCH TIMES***

#### **From Early Bird** Bloomberg Donates \$6 Million to Develop Safe Fracking

NEW YORK—The fate of hydraulic fracturing or fracking, in New York state has yet to be decided, but the controversial method for extracting natural gas has a new supporter—Mayor Michael Bloomberg. Bloomberg Philanthropies, which is supported by the mayor both through his Bloomberg Family Foundation and his personal money, awarded a three-year, \$6 million grant to the Environmental Defense Fund (EDF) Friday.

### ***NEW YORK TIMES***

**Will Emissions Disclosure Mean Investor Pressure on Polluters?** A new financial tool developed by the investment firm South Pole Carbon, in partnership with the Swiss Federal Institute of Technology, provides greenhouse gas emissions profiles of more than 40,000 publicly listed companies. This index is aimed at encouraging greater disclosure from companies while, hopefully, also pushing investors to build more responsible portfolios. A closer look at big issues facing the country in the 2012 Election. "Investors have long been aware that the greenhouse gas profile, especially of major emitters like electric utilities, is a potential liability," said Paul Bledsoe, a senior adviser

on energy issues at the Bipartisan Policy Center.

### **CBS NEWS**

Back-to-school study finds high levels of phthalate chemicals in kids (CBS News) Children's back-to-school backpacks and other supplies may contain higher levels of potentially toxic chemicals than the government allows in most toys, a new study shows. The study found that about 75 percent of children's school supplies contain high levels of potentially toxic phthalates. New York Sen. Charles Schumer called for new laws to regulate the chemical while discussing the report, which was released by the advocacy group Center for Health, Environment & Justice (CHEJ) on Sunday. Johnson & Johnson to phase out potentially harmful chemicals by 2015  
New car smell is toxic, study says: Which cars are worst? "School supplies are supposed to help our children with their education, they shouldn't be harming their health," Schumer said in an emailed press release. "We don't allow high levels of these toxic chemicals in children's toys and we certainly shouldn't allow them in back-to-school products. When kids take their lunch to school this fall, they shouldn't be carrying it in a lunchbox laden with toxic chemicals."

### **BLOOMBERG BNA**

Proposed TSCA Settlement Would Remove Sources of Short-Chain Chlorinated Paraffins The Environmental Protection Agency Aug. 22 announced a proposed settlement of a Toxic Substances Control Act case that would eliminate all major sources of U.S. production or importation of short-chain chlorinated paraffins, chemicals that are persistent, bioaccumulative, and toxic to aquatic life (*United States v. INEOS Chlor Americas Inc.*, D. Del., No. 1:12-cv-01058, *proposed consent decree filed* 8/21/12). The agreement with INEOS Chlor Americas Inc., filed in the U.S. District Court for the District of Delaware, addresses the company's alleged importation of short-chained chlorinated paraffins into the United States. The chemicals INEOS imported were not on the TSCA inventory, and INEOS had not submitted a premanufacture notice (PMN) for them, the proposed settlement said.

### **HUFFINGTON POST**

Columnist: The Climate Post: Federal Court Tosses EPA's 'Good Neighbor' The U.S. Court of Appeals for the D.C. Circuit this week threw out the Cross-State Air Pollution Rule (CSAPR), which set stricter limits on sulfur dioxide and nitrogen oxide emissions from coal-burning power plants in 28 states and the District of Columbia. In a 2-1 ruling, the panel held the U.S. Environmental Protection Agency (EPA) exceeded its authority under the Clean Air Act by requiring upwind states to reduce more than their "fair share" of pollution that degrades air quality in neighboring states. The court also rejected CSAPR for prematurely imposing on states a federal plan for reducing such air pollution. The dissenting judge criticized the majority for exceeding the court's jurisdictional limits and disregarding well-settled legal precedent.

Coal Power Plants Still Face Closures Despite Romney Plan, EPA Court Loss WASHINGTON, Aug 23 (Reuters) - Coal-fired power plants will face pressure and in some cases closure despite a Republican energy plan favorable to the industry and a court victory against new environmental rules. As many as one-sixth of U.S. coal-fired power plants would close within eight years and be replaced by natural gas, according to an Energy Department estimate. Republican presidential candidate Mitt Romney on Thursday laid out his new energy policy that aims to promote oil and natural gas production and roll back environmental rules that he said are killing the use of coal. ... But analysts said while the Romney plan and the court decision appeared to throw a lifeline to struggling coal, the abundance of cheap natural gas and other regulations that are more likely to survive legal challenges will still cause as many as 50 gigawatts of coal-fired capacity to retire. "I think the biggest challenge facing the coal industry is cheap, abundant, less carbon-intense natural gas, and no matter how many photo ops he has in front of coal-fired stations, it doesn't change the economics," said Kevin Massy, a Brookings Institution analyst..

### **ZANESVILLE TIMES-RECORDER**

Fracking could take place at Wayne National Forest NELSONVILLE — Wayne National Forest could play host to as many as 13 high volume horizontal drilling wells by 2016, according to a report released today by forest

officials. Forest supervisor Anne Carey today signed a supplemental report that concludes there is no need for further environmental impact studies on the effect drilling might have on the forest. The 2006 Land and Resource Management Plan is sufficient to address any surface effects, Caret wrote in a release. The sale of drilling rights at



Wayne National Forest, including 500 acres in Perry County, was put on hold in November for officials to further study the effects of hydraulic fracturing, or fracking, on the land and water system.